



## NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

### OAH USE ONLY

VOLUME:

ISSUE:

**CHECK APPROPRIATE BOX:**

- ☒ Notice with a scheduled hearing  
☐ Notice without a scheduled hearing  
☐ Republication of text. Complete the following cite for the volume, issue, and date of previous publication, as well as blocks 1 - 5 and 8 - 14. If a hearing is scheduled, complete block 6.  
Previous publication of text was published in Volume:      Issue:

1. Rule-Making Agency: North Carolina Historical Commission

2. Agency obtained G.S. 150B-19.1 certification:

- ☒ OSBM certified on: 10/22/2013  
☐ RRC certified on:  
☐ Not Required

3. Agency website postings:

- Text of proposed rule posted at: <http://www.ncdcr.gov/>
- Explanation and reason for proposed rule posted at: <http://www.ncdcr.gov/>
- Federal Certification posted at: <http://www.ncdcr.gov/>
- Instructions for oral and written comments posted at: <http://www.ncdcr.gov/>
- Fiscal Note if prepared posted at: <http://www.ncdcr.gov/>

4. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☒ AMENDMENT: 07 NCAC Subchapter 04M .0101-.0106, .0202-.0204, .0301-.0304, .0401-.0403, .0501-.0503, .0505, .0507-.0512

☐ REPEAL: 07 NCAC Subchapter 04V .0101-.0105, .0201-.0202.

5. Proposed effective date: April 1, 2014

6. Is a public hearing planned? ☒ Yes ☐ No

If yes: Public Hearing date: 12/17/2013

Public Hearing time: 9:00 AM

Public Hearing Location:

109 East Jones Street, Raleigh, NC  
Archives & Library Building

7. If no public hearing is scheduled, provide instructions on how to demand a public hearing: N/A

**8. Explain Reason For Proposed Rule(s):** The rule was last updated in 1989. 07 NCAC Subchapter 04M applies to the Division of Archives and Records (Division) in the Department of Cultural Resources (DCR), previously identified at the Archives and Records Section. The entire subchapter was examined for moderate edits, including those reflecting the change in organizational structure within DCR that elevated the Archives and Records program to a division. Additional minor edits were suggested by agency legal counsel, including the use of the word "shall" in place of "will." Edits to portions of the subchapter governing rules for access to and use of public research facilities were undertaken in order to ensure that all facilities of the Division followed the same rules. Portions of the subchapter governing the rules for the State Records Center were updated to include more specific language on records destruction and electronic public records.

07 NCAC Subchapter 04V applies to one facility managed by the Division. The section .0202 concerning rules for use of the gallery were moved to Subchapter 04M Section .0107. The rest of the subchapter has been deleted as all rules in it are subsumed in the proposed edits to subchapter 4M.

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**9. The person to whom written comments may be submitted on the proposed rule:**

**Name:** Sarah Koonts, Director, Division of Archives and Records

**Address:**

North Carolina Department of Cultural Resources  
4614 Mail Service Center  
Raleigh, NC 27699-4614

If the comment is an objection, the objection must identify the specific reason for the objection including the negative impact(s) the amended rule change could have to stakeholders.

**10. Comment Period Ends: 1/31/2014**

**11. Fiscal impact (check all that apply).**

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☒ State funds affected
- ☐ Environmental permitting of DOT affected  
Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact ( $\geq \$1,000,000$ )
- ☐ No fiscal note required by G.S. 150B-21.4

**12. Rule-making Coordinator:** Joshua Davis

**Address:**

North Carolina Department of Cultural Resources  
109 E Jones Street  
Raleigh, NC 27699

**Phone:** 919-807-7277

**E-Mail:** joshua.davis@ncdcr.gov

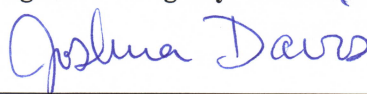
**Agency contact, if any:**

**Phone:**

**E-mail:**

**13. The Agency formally proposed the text of this rule(s) on**  
**Date:** 11/6/2013

**14. Signature of Agency Head\* or Rule-making Coordinator:**



**\*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

**Typed Name:** Joshua Davis

**Title:** Rule-making Coordinator